

1. All of the pleadings filed herein;
2. "Memorandum of Law in Support of Motion To Dismiss by Joan F. Hammer and Glen H. Hammer," ("Memorandum") filed contemporaneously herewith; and
3. "Report of Foreclosure Sale and Application for Confirmation Of Sale Under Power" filed in the Superior Court of Fulton County, Georgia (and the Docket Sheet in that action) attached as Attachments 1 and 2 to the Memorandum.

WHEREFORE, Defendants respectfully request that this Court enter an order dismissing the action and for such other relief as the Court deems just and proper.

Dated this 8th day of January, 2009.

Smith, Gambrell & Russell, LLP
1230 Peachtree Street, N.E.
Suite 3100, Promenade II
Atlanta, Georgia 30309-3592
(404) 815-3587
(404) 685-6887 fax

/s/ Stephen M. Forte
Stephen M. Forte
Georgia Bar No. 270035
William W. Maycock
Georgia Bar No. 479175
Jared Scott Westbroek
Georgia Bar No. 198008

*Attorneys for Defendants Joan F.
Hammer and Glen H. Hammer*

CERTIFICATION OF FONT AND STYLE

Pursuant to Local Rule 7.1(D), the undersigned counsel hereby certifies that Defendants' "Motion to Dismiss By Joan F. Hammer and Glen H. Hammer," has been prepared in a font and style approved by LR 5.1C (14 point font, Century Schoolbook style).

/s/ Jared Scott Westbrook
Jared Scott Westbrook
Georgia Bar No. 198008

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of January, 2009, a copy of the foregoing was filed electronically (and served by mail on anyone unable to accept electronic filing). Notice of this filing will be sent by e-mail to all parties named below by operation of the Court's electronic filing system (or by mail to anyone unable to accept electronic filing). Parties may access this filing through the Court's system.

Paul Monnin
Anthony D. Lehman
DLA Piper US, LLP
One Atlantic Center
1201 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-3450
Anthony.Lehman@dlapiper.com

Gus H. Small
Anna M. Humnicky
3350 Riverwood Parkway
Suite 1600
gsmall@cpmas.com
ahumnickey@cpmas.com

/s/ Jared Scott Westbrook
Jared Scott Westbrook
Georgia Bar No. 198008